

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

JOSE RODRIGUEZ,

Plaintiff,

vs.

FEDEX FREIGHT EAST, INC.,

Defendant.

Bkrptcy No. 04-47510-PJS
Adversary No. 05-5149-PJS
HON. PHILLIP J. SHEFFERLY
Case No. 08-CV-10637
HON. GEORGE CARAM STEEH

ORDER GRANTING, IN PART, FEDEX'S MOTIONS IN LIMINE DKT. #14 AND #18,
GRANTING FEDEX'S MOTION IN LIMINE DKT. #15,
DENYING, WITHOUT PREJUDICE, FEDEX'S MOTIONS
IN LIMINE DKT. #16 AND #20,
DENYING FEDEX'S MOTION IN LIMINE DKT. #17,
GRANTING, IN PART, RODRIGUEZ'S MOTION IN LIMINE DKT. #19, AND
DENYING RODRIGUEZ'S MOTION FOR DEFAULT JUDGMENT DKT. #21

For the reasons stated on the record at a June 19, 2008 hearing:

FedEx's motion in limine to preclude evidence or statements regarding plaintiff's dismissed claims and the reasons why plaintiff left defendant's employ (#14) is hereby GRANTED, IN PART, to the extent Rodriguez seeks to admit as evidence his resignation letter at trial. The letter is inadmissible as hearsay. The remainder of the motion is hereby DENIED, without prejudice. Consistent with the parties' request for clarification, the court may reconsider and refine its ruling that the objection is overbroad at the request of either party prior to trial;

FedEx's motion in limine to preclude evidence or statements regarding plaintiff's bankruptcy (#15) is hereby GRANTED;

FedEx's motion in limine to preclude evidence and statements regarding plaintiff's alleged complaints to defendant (#16) is hereby DENIED, without prejudice;

FedEx's motion in limine to preclude plaintiff from claiming damages in excess of

\$20,000.00 and for a jury instruction limiting plaintiff's damages to \$20,000.00 or less (#17) is hereby DENIED;

FedEx's motion in limine to preclude any evidence regarding alleged harassment/discrimination against Dale Williams or any other non-party (#18) is hereby GRANTED, IN PART, to the extent Rodriguez seeks to admit as evidence a written settlement executed by Williams and Fed Ex. The remainder of the motion is hereby DENIED, without prejudice, with the limitation that Rodriguez shall make a proffer of evidence of alleged harassment/discrimination against Dale Williams or any other non-party outside the presence of the jury for consideration by the court;

FedEx's motion in limine to preclude evidence or statements regarding available supervisory positions at locations other than the Romulus, Michigan terminal (#20) is hereby DENIED, without prejudice, with the limitation that Rodriguez shall make a proffer of evidence or statements regarding available supervisory positions at locations other than the Romulus, Michigan terminal outside the presence of the jury for consideration by the court;

Rodriguez's motion in limine (#19) is hereby GRANTED, IN PART, to the extent FedEx seeks to admit evidence of or related to Rodriguez's bankruptcy. The remainder of Rodriguez's motion is hereby DENIED;

Rodriguez's motion for default judgment against defendant for withholding and concealing documents in violation of Rule 26(a)(1) and this court's Rule 26(f) discovery order (#21) is hereby DENIED.

SO ORDERED.

Dated: June 20, 2008

s/George Caram Steeh
GEORGE CARAM STEEH
UNITED STATES DISTRICT JUDGE

CERTIFICATE OF SERVICE

Copies of this Order were served upon attorneys of record on
June 20, 2008, by electronic and/or ordinary mail.

s/Marcia Beauchemin
Deputy Clerk